

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

MARGARET DRAKE,)	
)	Civil Action No. CV222-007
Plaintiff,)	
v.)	
)	
NVHG JIC HOTEL OPERATOR, LLC,)	JURY TRIAL DEMANDED
)	
Defendants.)	
)	
_____)	

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff Margaret Drake (“Plaintiff”), through undersigned counsel, and files this lawsuit against Defendant NVHG JIC Hotel Operator, LLC (“Defendant”) and for her Complaint shows the following:

I. NATURE OF COMPLAINT

1.

Plaintiff brings this action for damages, liquidated damages, and reasonable attorney fees for Defendant’s violation of her rights under the Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et. seq.* (“Title VII”).

II. JURISDICTION AND VENUE

2.

Plaintiff invokes the jurisdiction of this court pursuant to 28 U.S.C. §§ 1331, and 42 U.S.C. § 2000e-5(f).

III. PARTIES

3.

Plaintiff is a citizen of the United States of America and is subject to the jurisdiction of this Court.

4.

Defendant is qualified and licensed to do business in Georgia and at all times material hereto has conducted business within this District. Defendant is subject to specific personal jurisdiction in this Court over the claims asserted herein.

5.

Defendant may be served with process by delivering a copy of the summons and complaint to its Registered Agent, Cogency Global Inc., 900 Old Roswell Lakes Parkway, Suite 310, Roswell, Georgia 30076.

IV. ADMINISTRATIVE PREREQUISITES

6.

Plaintiff timely filed a charge of discrimination against Defendant with the Equal Employment Opportunity Commission (EEOC) alleging disability discrimination in violation of Title VII. The EEOC issued a “Notice of Right to Sue” on December 21, 2021, entitling an action to be commenced within ninety (90) days of receipt of that notice. This action has been commenced within ninety (90) days of receipt of the “Notice of Right to Sue”.

IV. FACTUAL ALLEGATIONS

7.

Plaintiff began her employment with Defendant on March 15, 2021, as a restaurant manager.

8.

In or around the beginning of August 2021, Keith Diamond began working as a chef for Defendant.

9.

Mr. Diamond immediately began to make sexual comments and advances toward Plaintiff.

10.

In or around the beginning of August 2021, Mr. Diamond told Plaintiff, “I’d like to see your barrel, I’d like to see your double stack.”

11.

Mr. Diamond also told Plaintiff to turn around and “let me see your barrel.”

12.

In or around the beginning of August 2021, Plaintiff called Rob Citto, the Executive Chef, and complained that Mr. Diamond had made frequent sexual comments about Plaintiff’s body.

13.

Shortly thereafter, on August 13, 2021, Plaintiff sent an anonymous e-mail to Baylie Lane, the Human Resources Director, in which she complained that Mr. Diamond frequently commented on her body.

14.

The next day, Ms. Lane called Plaintiff and asked whether Mr. Diamond had made sexual comments toward Plaintiff and about her. Plaintiff confirmed that Mr. Diamond had made such comments.

15.

In or around the beginning of the September 2021, Plaintiff sent another e-mail to Ms. Lane, this time from her own work account, again complaining about Mr. Diamond's behavior and comments toward her, which had not stopped.

16.

Two days after sending this e-mail, on or around September 7, 2021, Plaintiff was fired.

17.

Plaintiff never received any formal disciplinary actions during her employment with Defendant.

18.

Any reason provided for terminating Plaintiff's employment is pretext for unlawful retaliation against Plaintiff because of her protected activity.

19.

Defendant retaliated against Plaintiff in violation of Title VII of the Civil Rights Act of 1964.

20.

Plaintiff has suffered lost wages and emotional distress as a direct result of Defendant's unlawful actions.

V. CLAIMS FOR RELIEF

COUNT I: RETALIATION VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

21.

Plaintiff re-alleges paragraphs 6-20 as if set forth fully herein.

22.

Plaintiff's complaints and opposition to gender discrimination constitute protected activity under Title VII.

23.

Defendant subjected Plaintiff to adverse action by terminating Plaintiff because of her protected conduct. The adverse action to which Plaintiff was subjected would dissuade a reasonable employee from making or supporting a charge of discrimination.

24.

There was a causal connection between the protected conduct and the adverse actions against Plaintiff.

25.

As a direct and proximate result of Defendant's violations, Plaintiff has suffered economic and non-pecuniary damages.

26.

Defendant willfully and wantonly disregarded Plaintiff's rights, and its actions toward Plaintiff were undertaken in bad faith.

27.

Plaintiff is entitled to punitive damages, lost wages and benefits, compensatory damages, attorneys' fees and costs, prejudgment interest, reinstatement or front pay in lieu thereof, and any other relief available under the law.

WHEREFORE, Plaintiff prays the court for judgment and relief as follows:

- (a) That judgment be entered against Defendant on all claims;
- (b) That general damages be awarded for mental and emotional suffering;
- (c) Punitive damages based on Defendant's willful, malicious, intentional, and deliberate acts, including ratification, condonation and approval of said acts;
- (d) Lost wages and other economic damages;
- (e) Reasonable attorney's fees and expenses of litigation;
- (f) Trial by jury as to all issues;
- (g) Prejudgment interest at the rate allowed by law;

- (h) Declaratory relief to the effect that Defendant has violated Plaintiff's statutory rights;
- (i) Injunctive relief prohibiting Defendant from further unlawful conduct of the type described herein; and
- (j) All other relief to which she may be entitled.

Respectfully submitted the 24th day of January, 2022.

BARRETT & FARAHAANY

s/ V. Severin Roberts
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